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8 *FRANCIS WANG, individually and as*
9 *Trustee of WFT-TNF, a California Trust*

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FRANCIS WANG, individually and as
Trustee of WFT-TNG, a California Trust,

Plaintiff(s),

v.

MARTHA KONGSGAARD, individually
and as Trustee of The Martha Kongsgaard
GST Exempt Trust U/T/A dated October 21,
1993,

Defendant(s).

Case No. 3:19-cv-00907-AGT

**DECLARATION OF CHRISTOPHER A.
NEDEAU IN SUPPORT OF MOTION FOR
LEAVE TO AMEND AND SUPPLEMENT
COMPLAINT AND TO TERMINATE STAY
OF PROCEEDINGS**

Hearing Date: November 6, 2020
Time: 10:00 a.m.
Courtroom: A, 15th Floor
Judge: Hon. Alex G. Tse

1 I, Christopher A. Nedeau, declare as follows:

2 1. I am counsel for plaintiff Francis Wang in the above-captioned case. I make
3 this declaration in support of the Motion for Leave to Amend and Supplement Complaint
4 and to Terminate Stay of Proceedings. I have personal knowledge of the facts stated in this
5 declaration and, if called as a witness, I could and would testify competently to them.

6 2. I also have acted as counsel for plaintiff Francis Wang and his wife and
7 proposed plaintiff Laura Young in *Kongsgaard v. Wang*, Case No. 19CV000286, filed in
8 Napa County Superior Court. Defendant Martha Kongsgaard filed that case against Wang
9 and Young seeking to quiet title, and for injunctive and declaratory relief arising from
10 improvements made by Wang and Young on approximately 2.5 acres of her 550 Stonecrest
11 Drive property.

12 3. Through discovery in the state court case and investigation related to that
13 case, Wang and Young have learned of facts that support federal causes of action for civil
14 rights violations against him and Young by defendant Martha Kongsgaard, and proposed
15 defendants Peter Goldman, Al Czap and Brian Peletta.

16 4. Discovery produced in July 2019, included emails which showed racial
17 animus and malice towards Wang and Young who are Americans of Asian descent. The
18 emails included a presentation to local government officials in which Peletta referred to a
19 wall erected to stabilize the hillside on Wang's property as the "Great Wall of Wang." Also
20 included were emails copied to Martha Kongsgaard and Peter Goldman in which Peletta and
21 Czap used defamatory racial slurs characterizing Wang and Young as "Chinese Mafia", to
22 which Martha Kongsgaard replied: "*Don't get yourself killed*". This and other state court
23 discovery revealed what was previously concealed from Wang and Young: that all four
24 proposed defendants have been working together to oust Wang and Young from the
25 neighborhood with expressed racial animus motivating their efforts.

5. Discovery in the state court proceeding is ongoing, and additional facts supporting the causes of action for civil rights violations that Wang seeks to add to his complaint may come to light. The depositions of Martha Kongsgaard, Peter Goldman and Brian Peletta have recently been taken and the deposition of Al Czap is scheduled for October 9, 2020.

6. Attached hereto as Exhibit A is a true and correct copy of the First Amended Complaint plaintiff Wang moves to file on behalf of himself and his wife Laura Young.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 30th day of September 2020 in San Francisco, CA.

/s/

Christopher Nedea